

IAP10 Rec'd PCT/PTO 28 NOV 2005

10/523706

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. MBHB05-981-G (EX03-059C-PC))

IN THE APPLICATION OF:

Tai et al.

Serial No.

10/523,706 ✓

Examiner:

TBA

Int'l Filing Date:

August 6, 2003

Group Art Unit:

TBA

Title

PSMCs as Modifiers of the
RB Pathway and Methods of
Use

Confirmation No.:

9877

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Madam/Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Petition for Extension of Time (in duplicate)
- b. Response to Notification of Missing Requirements Under 35 USC § 371
- c. Copy of Notification of Missing Requirements Under 35 USC § 371
- d. Request to Correct Inventorship Under 37 CFR § 1.48(a)
- e. Statement from Kim Lickteig
- f. Written Consent of the Assignee
- g. Copy of Oath/Declaration filed on March 16, 2005
- h. Copy of Assignment filed on March 17, 2005
- i. Return Receipt Postcard.

2. With respect to additional fees:

- ☒ A check in the amount of \$2,290.00 in pursuant to 37 CFR § 1.17(a)(5) and 37 CFR § 1.17(i) is attached.

3. Please charge any additional fees or credit overpayment to Deposit Account

No.13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service under Express Mail Label No.: EV596664590US in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28th day of November, 2005.

McDonnell Boehnen Hulbert & Berghoff LLP

Date: November 28, 2005

By: 

Anita J. Terpstra, Ph.D.

Reg. No. 47,132

10/523706 PATENT

(Case No. MBHB05-981-G (EX03-059C-PC))

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Confirmation No.: 9877

**Legal Staff
International Division**

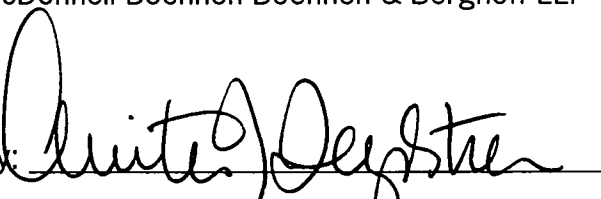
McDonnell Bochen Hulbert & Berghoff LLP
300 South Wacker Drive, Suite 3200
Chicago, IL 60606
Tel: (312) 913-0001
Fax: (312) 913-0002

With respect to item (2), we note that Kim Lickteig was inadvertently omitted as an inventor on the international application. Thus, we submit herewith a Request for Correction of Inventorship to add Kim Lickteig as an inventor of the instant application. With the Request to Correct Inventorship, we submit the following: (1) Statement of Kim Lickteig; (2) a copy of the Declaration under 37 CFR § 1.63 filed with the U.S. Patent and Trademark Office on March 16, 2005; (3) a Written Consent of the Assignee; and (4) the required processing fee.

This is responsive to the notification mailed April 28, 2005. It is believed that no further fee is due in connection with this filing, however, the Commissioner is authorized to charge any other fees required for consideration of this paper and any other papers filed herewith to Deposit Account Number 13-2490.

Respectfully Submitted
McDonnell Boenken Boenken & Berghoff LLP

Date: November 28, 2005

By: 
Anita J. Terpstra, Ph.D.
Regn. No. 47,132

DOCKETED
Exelixis, Inc.

Express Mail No. _____ First Class Mail (X)
Date Mailed 16 March 2005 Inventor/Applicant Gendreau, et al
Serial No. 10/523,706 Confirmation No. _____ Filing Date 4 Feb 2005
Title psmc's as modifiers of the RB Pathway and Methods
of Use

JC02 Rec'd PCT/PTC 21 MAR 2005

- () Amendment/Response
w/ exhibits _____ pgs.
- () Appeal, Notice of
- () Application:
Specification _____ pgs.
Claims, _____ pgs.
- () Drawings: _____ Figures _____ Sheets
- (X) Declaration Of Inventorship 7 pgs.
- (X) Executed () Unexecuted () Copy
- (X) Fee Transmittal Form
- (X) Payment by Deposit Account
- () IDS/Form 1449 _____ pgs.
- () w/refs. _____ pgs. () w/o refs.
- () Issue Fee Transmittal _____ pgs.
- () Petition to Extend Time _____ pgs.
- () Power of Attorney _____ pgs.
- () PCT-EASY Request _____ pgs.
- () PCT-EASY diskette
- () Sequence Submission:
- () CRF: _____ () Paper _____ pgs.
- () Statement verifying above copies _____ pgs.
- (X) Transmittal Letter 1 pgs.

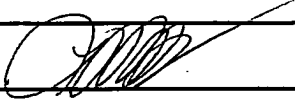
Other: _____

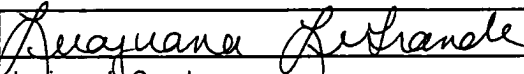
File No.: EX03-059C-US

Sender: LRL

TRANSMITTAL FORM	Application Number	10/523,706
	Filing Date	February 4, 2005
	First Named Inventor	Steven Brian Gendreau
	Art Unit	
	Examiner Name	
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	8	Attorney Docket Number EX03-058C-US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration of Inventorship (7p) Return Post Card
<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Remarks </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	EXELIXIS, INC.		
Signature			
Printed Name	Laleh Shayesteh		
Date	March 16, 2005	Reg. No.	47,937

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Luajana LeGrande	Date	March 16, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130**Complete if Known**

Application Number	10/523,706
Filing Date	February 4, 2005
First Named Inventor	Albert K. Tai, et al.
Examiner Name	
Art Unit	
Attorney Docket No.	EX03-059C-US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order☒ Deposit Account:Deposit
Account
Number

50-1108

Deposit
Account
Name

Exelixis, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid	
Total Claims	-20 **	=	0	X		=	0
Independent Claims	-3 **	=	0	X		=	0
Multiple Dependent		X		=		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	


Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130)

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Laleh Shayesteh	Registration No. (Attorney/Agent)	47,937	Telephone	650 837-8223
Signature		Date	March 16, 2005		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.